

JUN 30 2005

DHF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____
X

SANTOS MARTINEZ,

Petitioner,

-against-

U.S. DEPARTMENT OF HOMELAND SECURITY,
et. al,

Respondents.

05 CV 2179 (ARR)(VVP)

NOT FOR
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

By petition dated May 5, 2005, petitioner Santos Martinez challenges the refusal by the United States Citizenship and Immigration Services ("USCIS") to adjudicate her August 25, 1998 application for adjustment of status. By letter dated June 13, 2005, respondents concede that USCIS erred in declining to adjudicate the application. Accordingly, respondents request that the action be remanded to USCIS to allow USCIS to consider, on the merits, petitioner's application. By letter dated June 23, 2005, petitioner, through counsel, consented to remand. The matter is hereby remanded to the USCIS. The court understands that USCIS has scheduled a hearing concerning petitioner's application for July 12, 2005, at 2:00 p.m., at the USCIS office at 26 Federal Plaza in Manhattan.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: June 24, 2005
Brooklyn, New York

SERVICE LIST:

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cc: Magistrate Judge Pohorelsky